



CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA

**City of Westminster
Regular Meeting
March 8, 2006**

6:00 p.m. – Council Conference Room

7:00 p.m. – Council Chambers

**8200 Westminster Boulevard
Westminster, California 92683**

**MARGIE L. RICE
MAYOR**

**FRANK G. FRY
Mayor Pro Tem**

**KERMIT MARSH
Council Member**

**RUSSELL C. PARIS
Council Member**

**ANDY QUACH
Council Member**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

GENERAL INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

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6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (one potential case) re. Vietnam War Memorial Committee (14180 All American Way)

RECESS:

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7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, FRY, MARSH, PARIS, QUACH

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Fry

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS - None

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1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

APPROVAL OF MINUTES

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of February 8, 2006 and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of February 13, 2006** (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **(City Council) Denial of Claims Against the City from:**

1. Lynette Myers in the amount of \$800.00.
2. Harjinder Gill in the amount of \$100.00.
3. Donna Holtan in the amount of \$1,500.00.
4. Steve Meyer in the amount of \$895.29.

RECOMMENDATION: Deny claims filed against the City.

- 1.3 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

- 1.4 **Authorize Purchase Order for Annual Software Maintenance and Support Services for the Eden Governmental Financial System** (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order in the amount of \$41,231.61 to Tyler Technologies, Inc., Eden Systems Division, and authorize the City Manager to approve the purchase order on behalf of the City.

- 1.5 **Change Out of Patrol Cars and Procurement of Emergency Equipment Parts** (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Hi Standard in the amount of \$30,000.00 to change out patrol cars and for procurement of emergency equipment parts.

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1. CONSENT CALENDAR (Continued)

- 1.6 Fee Waiver Request from Westminster Pony League to hold their annual Pancake Breakfast on April 2, 2006 from 8:00 a.m. – 12:00 p.m. in the East/West Room of the Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the fee waiver request as outlined in the fee waiver policy for use of City facilities by Community Groups/Non-Profit Organizations.

- 1.7 AB-939 Integrated Waste Management Goal Attainment Annual Report – CY 2004 (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file.

WARRANT REGISTER

- 1.8 (City Council/Redevelopment Agency) Warrant Register dated February 15 through 28, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.9 Minutes of the Planning Commission meeting held February 1, 2006 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.10 Treasurer's Report – January, 2006 (Paul Espinoza)**

RECOMMENDATION: Receive and file.

- 1.11 Minutes of the Traffic Commission meeting held February 7, 2006 (Marwan Youssef)**

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on March 1, 2006

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of March 1, 2006:

- 1) Case No. 2005-76, Tentative Parcel Map, located at 13872 Cherry Street – condominium conversion. The applicant seeks approval to convert an existing duplex to condominium ownership.
- 2) Case No. 2005-59, Site Plan Review, Design Review, Variance, Negative Declaration, located at 14502 Beach Boulevard – new retail building. The applicant seeks approval of a new 5,535 square foot retail building which involves variances for setbacks and signs.
- 3) Case No. 2005-20, Site Plan Review, Design Review, Negative Declaration, located at 15420 Brookhurst Street – demolition of a portion of an existing commercial building and construction of a new two-story 24,409 square foot detached commercial building in the rear of the lot.

4. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

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4.1 REVIEW OF CASE NO. 2005-58 (TENTATIVE PARCEL MAP, VARIANCE, SITE PLAN REVIEW AND DESIGN REVIEW) 14072 GOLDENWEST STREET; APPLICANT: BON HOANG (Don Anderson)

Time set for a public hearing to review the Planning Commission's decision to approve the construction of a condominium development consisting of 2 units on a 9,525-sq.-ft. lot. The required entitlements include a Tentative Parcel Map for condominium purposes, Variance from the requirements for 2nd floor side yard setbacks, Site Plan Review to assess the proposed site layout, and Design Review to assess the architectural design of the development

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends that the Mayor and City Council uphold the Planning Commission's decision to approve Case No. 2005-58; and adopt Resolution No. 3979 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-58 (Tentative Parcel Map, Variance, Site Plan Review, and Design Review) and waive further reading.

4.2 ORDINANCE 2396 (FIRST READING) – AMENDMENT TO THE CITY'S HOME BUSINESS REGULATIONS (Don Anderson)

Time set for a public hearing to consider a proposed ordinance pertaining to the City's Home Business Regulations. The proposed ordinance will eliminate the Home Business Committee and instead require review and action by the Planning Commission for those home businesses that are not permitted administratively. Such applications subject to the Planning Commission's review and action will also be subject to a filing fee and a public hearing before the Planning Commission. Currently, home businesses that are not allowed administratively and are not prohibited, require the action of the Home Business Committee. The proposed ordinance will also further clarify the list of prohibited and permitted home business uses.

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2396 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 17.05 (General Procedures), Chapter 17.60 (Home Businesses) and Chapter 17.08 (R1 Single Family Residence District) of the Westminster Municipal Code Related to Home Business Permits", and waive further reading.

4.3 CONVEYANCE OF CITY-OWNED PROPERTY AT 7101 WYOMING STREET TO ABRAZAR, INC. (Don Anderson)

Time set for a public hearing to provide an opportunity for all interested persons to speak, including those that may have objections to the proposed conveyance of said real property.

RECOMMENDATION: Staff recommends that the Mayor and City Council direct staff to convey ownership of the property to Abrazar, Inc. and authorize the City Manager to sign the Purchase & Sale Agreement and Grant Deed on behalf of the City.

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5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Resolution No. 3984 - A Resolution of the Mayor and City Council of the City of Westminster supporting the California Property Owners' Protection Act and SCA 20 (Council Member Marsh)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 3984 and waive further reading.

5.3 Report from Mayor Rice and Council Member Quach on meeting with Simon Property Group, pursuant to AB1234

RECOMMENDATION: Receive and file.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Civic Center Pay Parking System (Continued from the February 22, 2006 meeting) (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Civic Center Pay Parking System Policy;
- 2) Adopt Urgency Ordinance No. 2397 entitled, "An Urgency Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System", and waive further reading;
- 3) Introduce Ordinance No. 2398 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Establishing a Pay Parking System", and waive further reading;
- 4) Adopt Resolution No. 3976 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Adopting Parking Rates and Hours of Operation", and waive further reading;
- 5) Adopt Resolution No. 3977 entitled, "A Resolution of the Mayor and City Council of the City of Westminster Establishing Fines for Pay Station Violations", and waive further reading;
- 6) Consider approving the purchase of the credit/debit card feature for the Civic Center Pay Parking System at an additional cost of \$18,200;
- 7) Consider approving a budget transfer in the amount of \$18,200 from the General Fund Contingency to the Parking Lot Improvements Project; and
- 8) Direct staff to return with a Credit/Debit Card Plan and Bank Agreement that incorporates the pay parking credit/debit card feature.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Select Date and Time for a Budget Study Session for Fiscal Years 2006-07 and 2007-08 (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council select a date and time for a budget study session.

6.3 Select a new date and time for a Moran Corridor Workshop to solicit input regarding future uses and zoning (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council select a date and time for the Moran Corridor Workshop. Staff will provide a list of potential dates where sites in the Little Saigon area are available.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS

8.1 Ordinance No. 2395 (First Reading) – Amending Westminster Municipal Code Chapter 10.44 Relating to Parking of Non-Motorized Vehicles (continued from the February 8, 2006 meeting) (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2395 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 10, Section 10.44.270 of the Westminster Municipal Code Relating to Parking of Non-Motorized Vehicles", and waive further reading.

9. COMMISSION AND COMMITTEE ITEMS

9.1 Request to extend parking restrictions on the west side of Edwards Street north of Kiowa Road – T.C. 90-106 (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3980 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for the extension of parking restrictions on the west side of Edwards Street north of Kiowa Road", and waive further reading.

9.2 Request to install All Way Stop Signs at the intersection of Duncannon Avenue and Milan Street – T.C. 82-100 (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3981 entitled, "A Resolution of the Mayor and City Council of the City of Westminster establishing All Way Stop Signs at the intersection of Duncannon Avenue and Milan Street", and waive further reading.

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9. COMMISSION AND COMMITTEE ITEMS (Continued)

9.3 Request for parking restrictions at 14072 Olive Street (Blessed Sacrament Church) – T.C. 76-192 (Marwan Youssef)

TRAFFIC COMMISSION RECOMMENDATION: Staff recommends that the Mayor and City Council approve the recommendation of the Traffic Commission and adopt Resolution No. 3982 entitled, "A Resolution of the Mayor and City Council of the City of Westminster providing for parking restrictions on the east side of Olive Street in front of 14072 Olive Street", and waive further reading.

9.4 Appointments to Ad Hoc Police Facility Financing Committee (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council appoint members to serve on the Ad Hoc Police Facility Financing Committee, if so desired.

10. COUNCIL/AGENCY ADJOURNMENT

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Marian Contreras, City Clerk/Agency Secretary